

S.B.Civil Writ Petition No.5067/2004

Liladhar Nayak.

VS.

State of Raj. and another.

Date : 16.7.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.M Rajpurohit, for the petitioner.

Mr.OP Boob, Addl.GA, for the respondent.

- - - - -

Heard learned counsel for the parties.

The petitioner's contention is that his father has been given caste certificate treating his father to be member of Scheduled Tribe. When the petitioner applied for caste certificate, then he was denied the caste certificate of Schedule Tribe on the ground that the caste Nayak is not falling in the scheduled list of Scheduled Tribe.

The respondents' contention is that Nayak is the member of Scheduled Caste and not of Scheduled Tribe. Even if a wrong certificate was obtained by the petitioner's father, then also, the petitioner cannot claim any benefit because of this reason.

Learned counsel for the respondents has shown the word Nayak in the list of members of Scheduled Caste as

published in the notification dated 24.2.1964 wherein at S.No.53, following words "Thori" or "Nayyak" are mentioned. The word "Nayyak" is not in the list of Scheduled Tribe.

In view of the above, the present writ petition is dismissed as no relief can be granted to the petitioner merely on the ground that the petitioner's father obtained caste certificate of the Scheduled Tribe which may have been issued wrongly in view of the list shown by learned counsel for the respondents.

S.Phophaliya

(PRAKASH TATIA), J.